

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

|                              |   |                                 |
|------------------------------|---|---------------------------------|
| JOHN DOE,                    | ) |                                 |
|                              | ) |                                 |
| Plaintiff,                   | ) | Case No. 4:18cv3142             |
|                              | ) |                                 |
| v.                           | ) |                                 |
|                              | ) |                                 |
| UNIVERSITY OF NEBRASKA,      | ) | <b>MOTION TO PROCEED</b>        |
|                              | ) | <b>PSEUDONYMOUSLY</b>           |
| UNIVERSITY OF NEBRASKA BOARD | ) | <b>AND FOR PROTECTIVE ORDER</b> |
| OF REGENTS,                  | ) |                                 |
| Defendants.                  | ) |                                 |
| _____                        | ) |                                 |

COMES NOW, Plaintiff John Doe (a pseudonym), through counsel Matthew Donnelly, and respectfully moves the Court for permission to proceed in this action under a pseudonym and for a protective order to maintain his privacy and protect his identity during the course of these proceedings. In support thereof, Plaintiff states:

1. Plaintiff, formerly a student at the University of Nebraska, filed this action in the Lancaster County, Nebraska District Court against the University of Nebraska and the University of Nebraska Board of Regents, asserting claims arising under Title IX of the Education Amendments of 1972, breach of contract, and requesting review under the Nebraska Administrative Procedures Act. Plaintiff's action was removed to this Court on request of Defendants.

2. Plaintiff filed his petition using the pseudonym "John Doe" in order to protect his identity due to the sensitive nature of the underlying facts in this case; and for the same reason, Plaintiff also used a pseudonym, "Jane Roe," in place of the name of the complainant involved in the administrative disciplinary action that occurred at the university.

3. The Plaintiff is requesting the Court's permission to pursue this action under a pseudonym, John Doe, because of the sensitive nature of the underlying facts in this case, and his reasonable fears that the disclosure of his identity in this proceeding will adversely impact his ability to secure and maintain employment, and could also impact his standing in the community. The Plaintiff is also seeking a protective order to preserve his privacy and protect his identity throughout the course of these proceedings and thereafter.

4. Many courts across the country—including this court—have permitted students to anonymously proceed against educational institutions in Title IX cases. *See Doe v. Bd. of Trustees of Nebraska State Colleges*, No. 8:17CV265, 2018 WL 4190056 (D. Neb. Aug. 31, 2018); *Doe v. Omaha Pub. Sch. Dist., a Political Subdivision*, No. 8:04CV295, 2005 WL 2347284 (D. Neb. Sept. 26, 2005); *Doe v. University of Denver*, No. 1:16-cv-00152, Docket ##2, 5; *Doe v. University of Colorado at Boulder*, No. 1:14-cv-03027, Docket ##12, 21 (parties consented to allow plaintiff to proceed anonymously); *Doe v. Univ. of Massachusetts-Amherst*, No. 14-30143, 2015 WL 4306521 (D. Mass. Jul. 28, 2015) (same); *Doe v. Salisbury Univ.*, 107 F. Supp. 3d 481 (D. Md. 2015) (same); *Doe v. Univ. of S. Fla. Bd. Of Trustees*, No. 8:15-cv-682, 2015 WL 3453753 (M.D. Fla. May 29, 2015). *See also Doe v. Colgate Univ.*, No. 5:15-cv-1069, 2016 WL 1448829 (2d. Cir. April 12, 2016) (finding that recent cases permitting the accused to proceed anonymously indicate that colleges and universities recognize the highly personal and sensitive nature of these cases). Similarly, Plaintiff here should be permitted to proceed anonymously due to the highly sensitive and personal nature of the subject matter of this action.

5. Counsel for Defendants University of Nebraska and University of Nebraska Board of Regents have reviewed this motion and consent to Plaintiff proceeding pseudonymously.

6. Therefore, the Plaintiff requests:

- That the Plaintiff be allowed to proceed in this action under the pseudonym John Doe, and that all parties to this action and their attorneys shall refer to the Plaintiff under this pseudonym with respect to all court filings, all discovery, all pretrial matters and the trial of this action;
- That all parties to this action and their attorneys shall refer to the complainant, referred to as “Jane Roe” in Plaintiff’s complaint, under this pseudonym with respect to all court filings, all discovery, all pretrial matters and the trial of this action.
- That any documents filed with the Court that refer to the Plaintiff shall be submitted under the pseudonym John Doe and all references to the Plaintiff in existing documents filed with the Court shall be redacted;
- That the Defendants are precluded from disclosing the identity of the Plaintiff during the course of this litigation to anyone other than those persons who need to know for purposes of participating in these proceedings, e.g. witnesses, court reporters, and experts. Such individuals shall be instructed regarding this Court’s Protective Order and shall have the same obligations imposed upon the parties regarding their obligation not to disclose the Plaintiff’s identity.
- That prior to the trial of this action, the parties shall confer and discuss with each other and with the Court the manner in which the identity of the Plaintiff will be presented at trial; and
- That the provisions of the Protective Order shall remain in effect during these proceedings and following the conclusion of this litigation, including all

appeals, until or unless modified or vacated upon mutual written consent of the parties or by further order of this Court.

**CONCLUSION**

For the foregoing reasons, the Plaintiff requests that this Court allow the Plaintiff to proceed under a pseudonym and issue a protective order subject to the terms stated above.

Dated this 19th day of November, 2018.

JOHN DOE, Plaintiff

/s/ Matthew J. Donnelly  
Matthew J. Donnelly  
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**CERTIFICATE OF SERVICE**

I hereby certify that on November 19, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all parties who have entered an appearance in this case. I further certify that the foregoing was emailed to the following:

Susan K. Sapp [ssapp@clnewilliams.com](mailto:ssapp@clnewilliams.com)  
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**Counsel for Defendants**

/s/ Matthew J. Donnelly  
Matthew J. Donnelly